

BEFORE THE  
DIVISION OF LICENSING  
BOARD OF MEDICAL QUALITY ASSURANCE  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the matter of the  
Statement of Issues against:

Nadezda N. Stamenkovic  
Applicant

Respondent.

Case No. A-443

ORDER GRANTING STAY ORDER

Respondent has filed a request for a  
stay of execution of the Decision with an effective date of  
August 10, 1987.

Execution is stayed until September 9, 1987.

This stay is granted solely for the purpose to allow  
time for the moving party to file a petition for reconsideration  
and to allow time for the Division to review and act on the  
petition for reconsideration.

Dated August 12, 1987

DIVISION OF LICENSING  
BOARD OF MEDICAL QUALITY ASSURANCE

By *Diane L. Ford*  
Diane Ford, Program Manager

DIVISION OF LICENSING  
BOARD OF MEDICAL QUALITY ASSURANCE  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the	)	
Statement of Issues Against:	)	
	)	No. A-443
	)	
NADEZDA N. STAMENKOVIC	)	L-35159
4426 12th St.	)	
Riverside, CA 92501	)	
	)	
	)	
Respondent.	)	
	)	
	)	

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DECISION

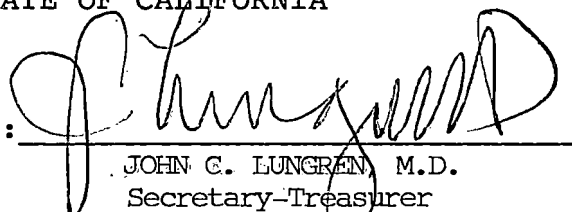
The attached Proposed Decision of the Administrative Law Judge is hereby adopted by the Board of Medical Quality Assurance as its Decision in the above-entitled matter.

This Decision shall become effective on  
August 10, 1987.

IT IS SO ORDERED July 9, 1987.

BOARD OF MEDICAL QUALITY ASSURANCE  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

BY: \_\_\_\_\_

  
JOHN C. LUNGREN, M.D.  
Secretary-Treasurer  
Division of Licensing

RJL:btm

BEFORE THE DIVISION OF LICENSING  
BOARD OF MEDICAL QUALITY ASSURANCE  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Statement	)	
of Issues Against:	)	
	)	No. A-443
	)	
NADEZDA N. STAMENKOVIC	)	L-35159
4426 12th St.	)	
Riverside, CA 92501,	)	
	)	
	)	
Respondent.	)	
_____	)	

PROPOSED DECISION

This matter came on regularly for hearing before Richard J. Lopez, Administrative Law Judge of the Office of Administrative Hearings, at Los Angeles, California, on May 11, 1987. Earl R. Plowman, Deputy Attorney General, represented the complainant. Respondent appeared in person and was represented by Michael R. Raftery, Attorney at Law. Oral and documentary evidence and evidence by way of official notice and stipulation was received and the matter was then argued and submitted. The Administrative Law Judge now finds, determines, and orders as follows:

FINDINGS OF FACT  
FINDINGS RE: JURISDICTION

1

Complainant Kenneth J. Wagstaff, executive director of the Board of Medical Quality Assurance (BMQA) of the State of California, brought subject statement of issues solely in said official capacity.

2

On March 12, 1984 the Division of Licensing of the Board received the application for written examination for Nadezda N. Stamenkovic, respondent herein, to take the Federation Licensing Examination (hereinafter "FLEX" examination). On November 6, 1984 the Board informed respondent that she had qualified for the written examination. Thereafter respondent

took the December 1984 FLEX examination. Respondent was ejected from the examination for alleged cheating. Respondent, subsequently has requested a hearing thus resulting in this proceeding.

3

All pre-hearing jurisdictional requirements have been met. Jurisdiction for this proceeding does exist.

FINDINGS RE: STATEMENT OF ISSUES

4

(A) On December 5, 1984 respondent was put on written notice by BMQA of, inter alia, the following with regard to said FLEX examination scheduled for December 4, 5, and 6, 1984:

Any examination candidate observed by Board staff engaged in any of the following types of conduct will be immediately and summarily ejected:

1. Copying from or looking at the examination book or paper of another applicant.

(B) With specific reference to the prohibition (and others) set forth in paragraph (A) respondent did certify, that: "I have read, understood and will comply with the following rules and the Division of Licensing, Board of Medical Quality Assurance, regarding examination conduct...."

(C) Just prior to sitting for said examination, on December 4, 1984, respondent, and all other candidates were fully advised and instructed as to unacceptable examination conduct. Those advisements and instructions, orally given, were issued repeatedly during the course of said examination.

5

(A) On December 5, 1984, during the written examination, respondent cheated by repeatedly looking at the answer sheet of the examinee on the left of respondent. Respondent marked and/or changed answers on her answer sheet.

(B) In light of Finding 4 respondent's conduct set forth in paragraph (A) of this Finding is unprofessional conduct.

(C) In light of Finding 4 respondent's conduct set forth in paragraph (A) of this Finding is dishonest conduct with the intent to substantially benefit herself.

(D) In light of Finding 4 respondent's conduct set forth in paragraph (A) of this Finding is substantially related to the qualifications, functions and duties of a physician or surgeon.

(E) In light of Finding 4 respondent's conduct set forth in paragraph (A) of this Finding constitutes an attempt to subvert said licensing examination and the administration of said examination.

(F) Said conduct caused respondent to be, properly, removed (ejected) from said examination.

#### SUPPLEMENTAL FINDINGS

6

Respondent immigrated to the United States from Yugoslavia, her native country where she was licensed to practice medicine and did so for approximately 24 years. There is no record of discipline of said license. Respondent has no history of deceptive or dishonest practices or conduct. However, in light of respondent's conduct set forth in Finding 5 and with due regard to the public interest the only reasonable order that can be made therein is the one which follows hereinafter.

\* \* \* \* \*

#### DETERMINATION OF ISSUES

Respondent's application for a physician's and surgeon's certificate is subject to denial pursuant to Business and Professions Code Section 2221 as that Section interacts with Sections 480(a)(2), 480(a)(3), 2234(e) and 496(b) of the same Code by reason of Finding 5.

\* \* \* \* \*

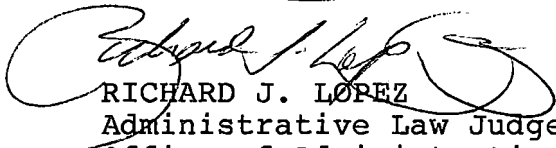
#### ORDER

The application of Nadezda N. Stamenkovic for a physician's and surgeon's certificate is denied.

I hereby submit the foregoing which constitutes my Proposed Decision in the above-entitled matter, as a result of the hearing had before me on May 11, 1987, at Los Angeles,

California, and recommend its  
adoption as the decision of the  
Board of Medical Quality Assurance.

DATED: May 22, 1987

  
RICHARD J. LOPEZ  
Administrative Law Judge  
Office of Administrative Hearings

RJL:btm

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of the State of California  
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4 Telephone: (213) 736-2012

5 Attorneys for Complainant  
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8 BEFORE THE  
DIVISION OF LICENSING  
9 BOARD OF MEDICAL QUALITY ASSURANCE  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA  
10

11 In the Matter of the Statement	)	NO. <u>A-443</u>
of Issues Against:	)	
12 NADEZDA N. STAMENKOVIC	)	STATEMENT OF ISSUES
13 4426 12th St.	)	
14 Riverside, CA 92501,	)	
Respondent.	)	
15 _____		

16  
17 Complainant alleges as follows:

18 1. Complainant, Kenneth J. Wagstaff, is the Executive  
19 Director of the Board of Medical Quality Assurance of the State  
20 of California (hereinafter the "board") and makes and files this  
21 statement of issues solely in his official capacity.

22 2. On or about March 12, 1984 the Division of Licensing  
23 of the board (hereinafter the "division") received the  
24 application for a written examination for Nadezda N. Stamenkovic  
25 (hereafter "respondent"). On or about November 6, 1984  
26 the board informed respondent that she had qualified for the  
27 written examination. Thereafter respondent took the December 1984

1 FLEX examination. Respondent was ejected from the examination  
2 for cheating. Respondent then requested a hearing.

3 3. Business and Professions Code section 480,  
4 subdivision (a)(2), provides that a board may deny a license  
5 regulated by the Business and Professions Code on the ground that  
6 the applicant has done any act involving dishonesty, fraud or  
7 deceit with the intent to substantially benefit himself or  
8 another or substantially injure another. (All sectional  
9 references herein are to the Business and professions Code unless  
10 otherwise noted).

11 4. Section 480, subdivision (a)(3), provides that a  
12 board may deny a license regulated by the Business and  
13 Professions Code on the ground that the applicant has done any  
14 act which if done by a licensee of the profession in question  
15 would be grounds for suspension or revocation of license.

16 5. Section 496, subdivision (b), of the code provides  
17 that a board may deny, suspend, revoke or otherwise restrict a  
18 license on the ground that an applicant or licensee has subverted  
19 or attempted to subvert any licensing examination or the  
20 administration of an examination, including, but not limited to  
21 conduct which violates the standard of examination  
22 administration; copying answers from another examinee or  
23 permitting one's answers to be copied by another examinee.

24 6. Section 2221 provides that the division may deny a  
25 physician's and surgeon's certificate to any applicant guilty of  
26 unprofessional conduct and for that purpose shall exercise all



1 the powers granted in the Medical Practice Act.

2 7. Section 2234 provides that unprofessional conduct  
3 includes but is not limited to (e) the commission of any act  
4 involving dishonesty or corruption which is substantially related  
5 to the qualifications, functions, or duties of a physician and  
6 surgeon.

7 8. Respondent's application for a physician's and  
8 surgeon's certificate is subject to denial pursuant to sections  
9 480 (a) (2) and (a) (3), 496(b) and 2234(e) in that she has  
10 committed acts of dishonesty, fraud or deceit with the intent to  
11 benefit himself and which acts are substantially related to the  
12 qualifications, functions or duties of a physician or surgeon.  
13 The circumstances are as follows:

14 A. On or about December 5, 1984, during the  
15 written examination, respondent cheated by repeatedly  
16 examining the answer sheet of the examinee on the left  
17 of respondent. Respondent marked and/or changed answers  
18 on her answer sheet.

19 B. Respondent was thereupon ejected from the  
20 examination.

21 WHEREFORE, complainant prays that the division hold a  
22 hearing in the matters alleged herein and following said hearing  
23 issue a decision:

24 1. Denying respondent's application for licensure; and

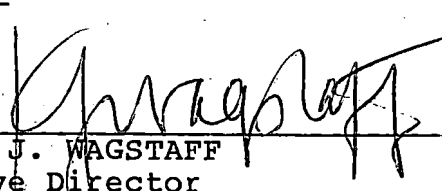
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1                   2. Taking such other and further action as the division  
2 deems proper.

3                   DATED: May 28, 1985

4  
5                     
6                   KENNETH J. WAGSTAFF  
7                   Executive Director  
8                   Board of Medical Quality Assurance  
9                   State of California

10                  Complainant  
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